

REMARKS

Claims 1 - 7 are pending in the present application. By this Amendment, claims 1 and 2 have been canceled and claim 5 has been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated March 24, 2005.

35 USC §112, Second Paragraph Rejection:

Claims 1-2, 4 and 5 are rejected under 35 USC §112, second paragraph, as failing to set forth the subject matter which applicants regard as their invention.

This rejection is respectfully traversed.

More specifically, the Examiner asserts that “[c]laims 1-2, 4 and 5 are drawn to an automatic synthesis machine, but only the display device and a selection control device are recited in the claims. Applicants must set forth the structure of the synthesis machine, i.e. reaction vessels, etc., and how they inter-relate structurally and/or functionally with the display and control devices,”¹ and “[i]f the claim recites an automatic synthesis machine, then sufficient structure of such a machine need be set forth.”²

As noted above, claims 1 and 2 have been canceled thereby rendering this rejection moot with regard to these claims.

¹ Please see, lines 8 – 12, page 2 of the Action.

² Please see, lines 6-8, page 6 of the Action.

However, with regard to claim 4, it is respectfully submitted that the Examiner has failed to appreciate that claim 4 is not drawn to an automatic synthesis machines, as alleged by the Examiner, but rather is drawn to **a control device** for an automatic synthesis machine, wherein for example, as discussed on page 15 of the present specification, “[t]he control device 3 causes the synthetic reaction device 2 to carry out the synthesis process according to the protocol.”

With regard to claim 5, such claim has been amended to positively recite the structure of the storage means and the protocol execution means to more clearly define the structure of the synthesis machine. In addition, it is submitted that claim 5 clearly calls for a protocol execution means for executing at least one stored protocol, wherein the protocol execution means reads out a protocol from the storage means one line at a time in sequence for execution.

Accordingly, withdrawal of this rejection is respectfully requested.

As to the Merits:

As to the merits of this case, the Examiner maintains the following rejections:

- 1) claims 1-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Inoue³; and
- 2) claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,489,168, of record).

³ Please note that since the present application has a filing date that falls after November 29, 1999 and the Inoue reference is assigned to Shimadzu which is the same assignee of the present application, the Inoue fails to qualify as a prior art reference under 35 USC §103.

Each of these rejections is respectfully traversed.

With regard to Inoue, the Examiner notes that “the claims specify that vessels are selected, not how they are selected. Examiner also would not that Inoue displays the vessels. If an operator selects all the vessels, he has fulfilled the requirements of the claims.”⁴

Similarly, with regard to Wang, the Examiner points, “out that the claim allows for selection of all vessels. No differentiation is required if all vessels are selected. Applicant’s claims must specify a selection of a subset of the whole ... in order for the selection means and the differential display to have any weight in the claim.”⁵

Please note that with regard to independent claim 1, the Examiner’s comments appear to have some merit.

However, is it respectfully submitted that the Examiner is mis-characterizing the features of the independent claims 3-5, since each of these independent claims specifically recite how a subset of display vessels are selected.

Independent claim 3 calls for *wherein said display device is connected to a protocol creation means for creating a protocol prescribing the procedure of synthesis operation related to said vessels, and said selection means receives data related to the vessels set in creation of the*

⁴ Please see, lines 12-14, page 6 of the Action.

⁵ Please see, lines 17 – 21, page 6 of the Action.

protocol from said protocol creation means, causing the display device to display the selected vessels in a manner such that they can be identified on the screen from the non-selected vessels, together with the operation contents related to the selected vessels. Here, only the vessels that are part of the created protocol are selected such they can identified from the non-selected vessels on the display screen.

Independent claim 4 calls for wherein said display device is connected to a storage means for storing a protocol prescribing a procedure of synthesis operation related to said vessels, and displays the stored protocol in said storage means on the screen for selection of one line of the displayed protocol by said selection means, causing the display device to display the selected vessels described in the selected protocol line in a manner such that they can be identified on the screen from the non-selected vessels, together with operation contents related to said selected vessels. Here, only the vessels that are described in the selected protocol line are selected such they can identified from the non-selected vessels on the display screen.

Independent claim 5 calls for wherein said display device is connected to said protocol execution means, and said protocol execution means reads out a protocol from said storage means one line at a time in sequence for execution, causing the display device to display the protocol line in process of execution on the screen, together with the vessels described in said protocol line and operation contents related to said vessels in a manner such that the described vessels can be identified on the screen from the non-described vessels. Here, only the vessels that are described in the selected protocol line that is being executed are selected such they can identified from the non-selected vessels on the display screen.

Further with regard to independent claims 6 and 7, it is respectfully submitted that the Examiner has again failed to appreciate that claims 6 and 7 are directed to the second embodiment of the present invention. More specifically, claims 6 and 7 concern, for example, as discussed on pages 25-38 of the present specification, an analysis means 9, which is able to pick out all the operation contents related to a selected vessel and determine if a procedure error exists with regard to the selected vessel.

That is, the Examiner's attention is **again** directed to Fig. 17 in which the analysis means 9 picks out the command related to the selected vessel 3A from the protocol shown in Fig. 10 and determines if the procedure for the selected vessel 3A is correct.

It is respectfully submitted that Inoue fails to disclose such an analysis means, and further that the Examiner had failed to even assert that an analysis means is disclosed by Inoue in the outstanding Action dated August 19, 2004.

Further, with regard to Wang, it is respectfully submitted that while Wang does disclose a data analysis module 145, such module 145 is for performing quantitative calculations on sampled data (see, col. 6, lines 29-31, 61-65) and not for picking out commands related to a selected vessel from a protocol and determining if the procedure for the selected vessel is correct, as called for in each of independent claims 6 and 7.

Response under 37 C.F.R. §1.116
Attorney Docket No. 001448
Serial No. 09/698,289

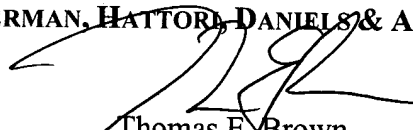
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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